

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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MICHAEL S. CANAN,

Plaintiff,

v.

Case No. 20-C-1345

CO WILSON, et al.,

Defendants.

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**DECISION AND ORDER**

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On August 31, 2020, Plaintiff Michael S. Canan, who is representing himself, filed a complaint under 42 U.S.C. § 1983. He also filed a motion for leave to proceed without prepaying the filing fee. The Prison Litigation Reform Act (PLRA) applies to this case because Canan was a prisoner when he filed his complaint. *See* 28 U.S.C. § 1915(h). The PLRA allows a prisoner plaintiff to proceed with his case without prepaying the civil case filing fee. 28 U.S.C. § 1915(a)(2). However, when funds exist, he must pay an initial partial filing fee, which is calculated using a formula in the statute. In order to calculate the initial partial filing fee, a plaintiff must provide the court with his prison trust account statement for the six-month period preceding the filing of the complaint.

On September 1, 2020, the clerk's office sent Canan a letter requiring him to submit a certified copy of his trust account statement for the six months preceding the filing of his complaint. His deadline to do so was September 22, 2020. The letter warned Canan that "[f]ailure to comply with this requirement may result in the Court's dismissal of your case." Dkt. No. 4. Canan did not submit his trust account statement, so on October 6, 2020, Magistrate Judge Stephen

Dries gave him one final opportunity to submit it. Judge Dries set a deadline of October 27, 2020, and warned Canan that his case would be dismissed if he failed to submit his trust account statement by the deadline. The deadline has come and gone, and Canan did not submit his trust account statement.

**IT IS THEREFORE ORDERED** that Canan's motion for leave to proceed without prepaying the filing fee (Dkt. No. 2) is **DENIED**.

**IT IS FURTHER ORDERED** that this case is **DISMISSED** based on Canan's failure to pay the filing fee and his failure to diligently prosecute this case.

Dated at Green Bay, Wisconsin this 30th day of October, 2020.

s/ William C. Griesbach  
William C. Griesbach  
United States District Judge